

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

JAMES MITCHELL,

Petitioner,

v.

ERIC JACKSON,

Respondent.

CASE NO. C20-5623JLR

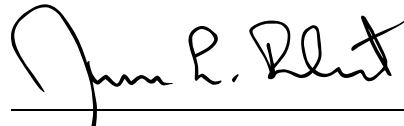
ORDER

This matter comes before the court on remand from the Ninth Circuit. (*See* 9th Cir. Order (Dkt. # 24).) On December 1, 2020, the court adopted Magistrate Judge J. Richard Creatura's report and recommendation recommending that the court deny Petitioner James Mitchell's 28 U.S.C. § 2254 petition for a writ of habeas corpus and entered a judgment denying Mr. Mitchell's petition. (*See* R&R (Dkt. # 11); 1/1/20 Order (Dkt. # 14); Judgment (Dkt. # 15).) Mr. Mitchell appealed the court's denial of his habeas petition. (Not. of Appeal (Dkt. # 16).) While the appeal was pending, Mr. Mitchell's counsel moved to voluntarily dismiss the appeal because Mr. Mitchell had

1 passed away. (*See* 9th Cir. Order.) The Ninth Circuit granted Mr. Mitchell’s counsel’s
2 motion to dismiss, dismissed Mr. Mitchell’s appeal as moot, and remanded the case to
3 this court “for further proceedings as may be required, including vacatur of prior orders
4 and dismissal of the petition as moot.” (*Id.* (first citing *McMann v. Ross*, 396 U.S. 118
5 (1969) (per curiam); and then citing *United States v. Orona*, 987 F.3d 892, 893 (9th Cir.
6 2021)).)

7 Pursuant to the Ninth Circuit’s remand order, the court VACATES its prior order
8 (Dkt. # 14) and judgment (Dkt. # 15) denying Mr. Mitchell’s habeas petition,
9 DISMISSES Mr. Mitchell’s habeas petition (Dkt. # 1) as moot, and DIRECTS the Clerk
10 to close this case.

11 Dated this 18th day of February, 2022.

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14 JAMES L. ROBART
15 United States District Judge
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